

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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| In re: | PROMESA Title III |
| THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, | No. 17 BK 3283 (LTS) |
| As representative of | (Jointly Administered) |
| THE COMMONWEALTH OF PUERTO RICO, <i>et. al.</i> | |
| Debtors ¹ | |

SUCESIÓN PASTOR MANDRY MERCADO'S MOTION FOR LEAVE TO AMEND PROOF OF CLAIM KROLL NUMBER 6272

TO THE HONORABLE COURT:

COME NOW, Oscar Adolfo Mandry Aparicio; María del Carmen Amalia Mandry Llombart; Selma Verónica Mandry Llombart; María del Carmen Llombart Bas; Oscar Adolfo Mandry Bonilla; Gustavo Alejandro Mandry Bonilla; Yvelise Helena Fingerhut Mandry; Margaret Ann Fingerhut Mandry; Victor Robert Fingerhut Mandry; Juan Carlos Esteva Fingerhut; Pedro Miguel Esteva Fingerhut; Mariano Javier McConnie Fingerhut; Janice Marie McConnie Fingerhut, Victor Michael Fingerhut Cochran; Michelle Elaine Fingerhut Cochran; Rosa Estela Mercado Guzmán; Eduardo José Mandry Mercado; Salvador Rafael Mandry Mercado; Margarita Rosa Mandry

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233 (LTS)) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Mercado; Adrián Roberto Mandry Mercado (hereafter collectively designated as “Sucesión Mandry”), through its undersigned counsel, and respectfully states and requests:

1. On April 19, 2018, Sucesión Mandry filed Prime Clerk [now Kroll Restructuring Administration] proof of claim number 6272 for \$30,000,000.00 premised on the inverse condemnation of its properties by the Commonwealth of Puerto Rico (the “Commonwealth”), as decided in the August 6, 2019, judgment of the Court of First Instance of Puerto Rico, Superior Section of Ponce (the “Court of First Instance”) in the case styled *Salvador Eduardo Mandry Nones, et. als. vs. Commonwealth of Puerto Rico, et. als.*, Case No. JAC-2008-0853 (**ECF No. 18049-1**).
2. On August 31, 2022, Sucesión Mandry filed proof of claim number 179550 for \$30,496,000.00 to amend its original proof of claim number 6272 to include the judgment entered by the Court of First Instance (the “Claim”).
3. As it appears from **ECF Nos. 18994-2** and **20528-2**, the decision of the Court of First Instance was affirmed by the Puerto Rico Court of Appeals, Judicial Panel of Ponce (the “Court of Appeals”) on September 14, 2021, and on April 1, 2022, the Supreme Court of Puerto Rico (the “Supreme Court”) denied the Commonwealth’s second motion to reconsider the Supreme Court’s denial of the Commonwealth’s petition for certiorari of the decision of the Court of Appeals. Therefore, the judgment of the Court of First Instance in favor of Sucesión Mandry is final and firm (the “Judgment”).
4. Consequently, Sucesión Mandry has computed the interest awarded by the Judgment for the period of August 9, 2008 to September 30, 2022 in the table attached as **Exhibit A** hereto, for a total of \$34,306,290.84, which will continue to accrue interest after September 30, 2022 at the rate of \$1,912.16 per day up to October 31, 2022, and thereafter at the rate established by the Board of the Office of the Commissioner of Financial Institutions.
5. On January 18, 2022, the Court entered an order and judgment confirming the Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico,

the Employee Retirement System and the Puerto Rico Public Building Authority [ECF No. 19813] (the “Confirmation Order”).

6. Paragraph 42 of the Confirmation Order provides that “[a]s of the commencement of the Confirmation Hearing, a proof of Claim may not be amended without the approval of the Title III Court”. Confirmation Order at 44.

WHEREFORE, it is respectfully requested that the Court grant Sucesión Mandry leave to amend its proof of claim Kroll number 179550 as to its amount as of September 30, 2022 to be \$34,306,290.84 to reflect the interest accrued thereon as of such date, which will continue to accrue at the rate of \$1,912.16 per day up to October 31, 2022.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all ECF participants.

San Juan, Puerto Rico, this 13th day of October 2022

s/CHARLES A. CUPRILL-HERNÁNDEZ
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